

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

BP AMERICA, INC.

Employer

and

Case No. 15-RD-841

CHRISTOPHER SHANE YOUNG, AN INDIVIDUAL

Petitioner

and

ATLANTIC INDEPENDENT UNION

Union

DECISION AND DIRECTION OF ELECTION

The Employer, BP America, Inc., is engaged in the business of oil and gas exploration. Christopher Shane Young, an individual, timely filed the instant petition under Section 9(c) of the Act, seeking an election by which the employees in the appropriate unit described below would be given the opportunity to determine whether the Union would continue to represent them. The sole issue in this case is whether the election should be conducted by manual or mail ballot. The parties entered into stipulations in which they waived the right to a pre-election hearing, agreed on all other issues, and agreed that the undersigned Acting Regional Director would issue the instant Decision and Direction of Election. The stipulations provided that subsequent to the issuance of this Decision, the parties will be given the opportunity to submit their positions in writing as to whether the election should be conducted by manual or mail ballot. Thereafter, the Acting Regional Director will administratively determine the appropriate election arrangements.

Accordingly, I will direct an election and find the following based upon the stipulations of the parties:

1. The Union is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

4. The following employees constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All hourly and salaried employees employed by the Employer at its South Pass 60 facility located in Venice, Louisiana in the following classifications: laborer, roustabout, maintenance man-offshore, maintenance-offshore, mechanic-platform-offshore, operator-offshore-gas plant, operator-offshore-Prod/Compress, technician-electr/Instr-offshore, gas tester, associate field technician, field technician, senior field technician, associate instrument technician, instrument technician, instrument technician specialist and senior instrument technician.

Excluded: All office clerical employees, executive, administrative and professional employees, guards and supervisors as defined by the Act.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct an election among the employees in the unit described above. The employees will vote whether they wish to continue to be represented for purposes of collective bargaining by Atlantic Independent Union, The date, time and place of the election will be specified in the notice of election that the Board's Regional office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or

temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Unit employees in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit List of Eligible Voters

To insure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to this office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). Upon receiving the list, I will make it available to all parties to the election.

To be timely filed, the list must be received in the Regional office, 1515 Poydras Street, Room 610, New Orleans, La. 70112-3723 on or before October 15, 2002. No

nor shall the filing of a request for review affect the requirement to submit this list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at (504) 589-4069. Since the list will be made available to all parties, please furnish a total of two copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

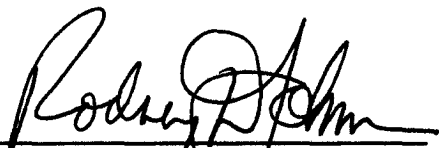
RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board,

addressed to the Executive Secretary, 1099 14th Street N.W., Washington, D.C. 20570.

This request must be received by the Board in Washington by October 22, 2002.

Dated this 8th day of October 2002, at New Orleans, Louisiana.


Rodney D. Johnson

Acting Regional Director, Region 15
National Labor Relations Board
1515 Poydras Street, Suite 610
New Orleans, La. 70112-3723

Classification Index Codes:

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